

**RESPONSE UNDER 37 C.F.R. 1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER 2615
PATENT**

REMARKS

AMENDMENTS TO THE SPECIFICATION

None.

AMENDMENTS TO THE CLAIMS

Claims 1 and 11 have been amended to make clearer the invention claimed by the applicants. In more particular, these claims have been amended to illustrate that the instant invention finds application in a multi-channel surround sound environment, wherein at least four speakers are positioned on at least four different sides from the listener. Additionally these changes illustrate that the impression of movement to a user is created by moving said first and second audio works between each of said at least four different sides of the user. Support for these changes can be found throughout the description of the application, including the abstract, figures 2,3,4 and 5 and in the specification at paragraphs [0043] through [0046] and additionally to that in paragraphs [0002], [0012], [0015], [0016], [0030], [0031], [0033], [0047] through [0048] and [0060] and, as such, these changes do not constitute new matter.

Claims 4, 5, 6, 8, 14, 15, 16 and 17 have been variously amended to align the content of these claims with the content of the independent claims from which they depend. For at least all of the reasons identified above, these amendments do not constitute new matter

**RESPONSE UNDER 37 C.F.R. 1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER 2615
PATENT**

CLAIM OBJECTIONS AND REJECTIONS

Original claims 1-20 stand as rejected under 35 USC 102 (e) as being anticipated by Cliff (US 2002/0172379 A1). It is said that Cliff discloses a method of generating a sound transition between a first audio work and a second audio work, wherein a first transition pattern is selected for said first audio work, a second transition pattern is selected for said second audio work and wherein said transition pattern creates a sense of movement in a listener. The first and second transition patterns are said to provide an audio transition between said first and second audio works. The transition is said to be played through said audio speakers according to the selected transition pattern, thereby creating an impression of movement of the sound sources around a listener.

Turning first to the rejection of claims 1, 2, 11, and 12, claims 1 and 11 have been amended to make clearer the intent of the instant inventors that the claimed invention operates within a multi-channel surround sound environment, wherein at least four audio speakers are arrayed in a spaced-apart configuration on at least four different sides of a listener. Cliff does not disclose or teach an application in a multi-channel surround sound environment with at least four audio speakers wherein these audio speakers are positioned on at least four different sides of a listener. Nothing in Cliff suggests that he intends his invention to be applied in other than a conventional stereo speaker environment. Additionally, extension of Cliff's method to a multi-channel surround sound environment would not result in a transition that imparts an impression of movement to a listener as is taught by the instant invention. Cliff's approach would only provide a volume-corrected transition between different audio works in all connected speakers at the same time. What would be lacking in such an instance, of course, is that the listener would

**RESPONSE UNDER 37 C.F.R. 1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER 2615
PATENT**

not experience a perceived movement of the first and second audio works between at least four sides of the listener. Thus, Cliff as applied to the instant invention would be inoperable to achieve its stated goals.

As such, it is believed that the cited reference fails to disclose each and every element of the claims as-amended, and, further, would be inoperable as applied to the instant invention. As such, the instant rejection under Section 102 of claims 1 and 11 is improper and should be withdrawn.

With respect to dependent claims 2 and 12, for at least all of the above reasons these two claims are believed to be allowable. First, claims 2 and 12 are dependent from two independent claims that are believed to be allowable as-amended and, as such, it is believed that each of these claims is similarly allowable. Additionally, and in more particular, Cliff does not teach or suggest the user of a master transition pattern that uses at least four speakers situated on at least four different sides of a user to impart a sensation of movement of the audio sources to a listener during a transition between two audio works.

Thus, it is believed that the cited reference fails to disclose each and every element of the claims as-amended, as such, the instant rejection under Section 102 of claims 2 and 12 is believed to be improper and should be withdrawn.

Turning next to the rejection of claims 4, 5, 6, 8, 14, 15, 16 and 17, for at least all of the reasons identified above these claims are believed to be allowable. First, each of these claims is dependent from – and further refines – a claim that is believed to be allowable.

Additionally, each of these claims now inherits the as-amended limitation that the method utilize at least four speakers that are situated on at least four different sides of a listener and that

**RESPONSE UNDER 37 C.F.R. 1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER 2615
PATENT**

the perception of movement at least include apparent movement on four different sides. Nothing in Cliff teaches this approach.

With respect to claim 4, there is no suggestion or teaching in Cliff that a graphical display device could be used with four or more speakers to create a visual representation of the movement of an audio source on four or more different sides of a listener. As such, it is believed that these claims are allowable as amended.

With respect to claims 5 and 16, there is similarly no teaching in Cliff that a graphical display device that displays a graphical representation might be used to display at least four speakers that are used to create an impression of sonic source movement on at least four different sides of a user. As such, for at least all of the reasons identified above, it is believed that these claims should be allowable.

With respect to claims 6 and 17, there is no teaching in Cliff that a graphical display device could be used to provide an indicia of at least four audio speakers that are at least approximately spaced apart on the display device proportionally to an actual spacing of the audio speakers, wherein the instant method uses the at least four speakers to create an impression of source movement in a listener. As such, for at least all of the reasons identified above, it is believed that these claims should be allowable.

With respect to claims 7 and 18, there is no teaching in Cliff of the use of a computer display device during the playing of a first audio work, wherein the display is updated in at least approximately real time to illustrate the apparent motion of an audio source between at least four speakers and on at least four sides of a listener. As such, for at least all of the reasons identified above, it is believed that these claims should be allowable.

**RESPONSE UNDER 37 C.F.R. 1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER 2615
PATENT**

With respect to claim 8, there is no teaching in Cliff of the use of a computer display device during the playing of a second audio work, wherein the display includes a graphical representation of at least four audio speakers positioned on at least four different sides of a listener. As such, for at least all of the reasons identified above, it is believed that these claims should be allowable.

With respect to claim 9, there is no teaching in Cliff of a user-provided first transition pattern for use with at least four speakers situated on at least four different sides of a user, wherein the provided first transition pattern creates an impression of movement between the at least four different speakers. As such, for at least all of the reasons identified above, it is believed that these claims should be allowable.

With respect to claim 10, there is no teaching in Cliff of a user-provided second transition pattern for use with at least four speakers situated on at least four different sides of a user, wherein the provided second transition pattern creates an impression of movement between the at least four different speakers. As such, for at least all of the reasons identified above, it is believed that these claims should be allowable.

With respect to claim 14, there is no teaching in Cliff of a user-provided second transition pattern for use with at least four speakers situated on at least four different sides of a user, wherein the provided second transition pattern creates an impression of movement between the at least four different speakers. As such, for at least all of the reasons identified above, it is believed that these claims should be allowable.

With respect to claim 15, there is no teaching in Cliff of the use of a computer display device during the playing of a second audio work, wherein the display includes a graphical

**RESPONSE UNDER 37 C.F.R. 1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER 2615
PATENT**

representation of at least four audio speakers positioned on at least four different sides of a listener. As such, for at least all of the reasons identified above, it is believed that these claims should be allowable.

As a consequence, it is believed that claims 4, 5, 6, 8, 14, 15, 16 and 17 depending as they do from claims believed to be allowable as-amended, and further in view of the arguments advanced above, are in condition for allowance, therefore it is believed that the objections of these claims should be withdrawn.

Finally, and with respect to new claim 21 offered *supra* nothing in Cliff teaches or suggests the use of at least four audio speakers, wherein these audio speakers are located on at least four different sides of the listener, and wherein these sides are selected from a group consisting of left side, right side, front side and rear side.

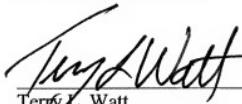
As a consequence, it is believed that new claim 21 is in condition for allowance.

* * *

**RESPONSE UNDER 37 C.F.R. 1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER 2615
PATENT**

In view of the foregoing, the applicants believe that the rejections and objections offered by the Examiner have been overcome and should be withdrawn. The claims as-filed are in condition for allowance and should be passed to the issue branch. Early and favorable action is earnestly solicited.

Respectfully submitted,



9/4/07

Terry L. Watt
Registration No.: 42,214
Fellers, Snider, Blankenship, Bailey &
Tippens
The Kennedy Building
321 South Boston, Suite 800
Tulsa, OK 74103-3318
Phone: (918) 599-0621
Fax: (918) 583-9659

#412486 v1